



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4232-00
18 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your late father's naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found your father enlisted in the Navy on 29 March 1948 at the age of 18. Approximately five months later, on 30 August 1948, he was convicted by deck court (DC) of sleeping on watch and sentenced to extra duty for two months and a \$40 forfeiture of pay.

Your father's record reflects that during the period from 13 January to 14 December 1949 he was convicted twice by DC of unauthorized drinking and absence from his appointed place of duty, and received captain's mast (CM) on two occasions for disobedience and falsehood.

The record further reflects that on 13 March 1950 your father was convicted by summary court-martial (SCM) of unauthorized possession of alcoholic beverages. He was sentenced to extra duty for three months, a \$120 forfeiture of pay, and a suspended bad conduct discharge (BCD). On 5 April 1950, he received CM for theft and unauthorized possession of government property. The punishment imposed was execution of the suspended BCD. Subsequently, the BCD was approved at all levels of review and ordered executed. On 13 April 1950 your father received a BCD.

The Board, in its review of your father's entire record and your application, carefully weighed all potentially mitigating factors, such as your father's youth and immaturity and your contention that you would like your father's record corrected to reflect that he was honorably discharged. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your father's discharge given the serious nature of his frequent misconduct. The Board also noted that he was given a second chance when the BCD was suspended, but he did not take advantage of this opportunity and committed offenses which resulted in the execution of the punitive discharge. Given all the circumstances of this case, the Board concluded your father's discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director